

The Corporation of the Township of Douro-Dummer

By-law Number 2023 - 40

**Being a By-law to amend By-law Number 10-1996, as amended,
otherwise known as "The Township of Douro-Dummer
Comprehensive Zoning By-law"**

Whereas By-law Number 10-1996, as amended, regulates the use of land and the use and erection of buildings and structures within the Township of Douro-Dummer;

And whereas Section 34 of The Planning Act, RSO 1990, as amended, permits the Council to pass an amending Zoning By-law;

And Whereas the Council of the Township of Douro-Dummer has initiated a zoning by-law amendment to amend By-Law No. 10-1996, as amended, insofar as it is necessary to regulate active recreational uses within the Township;

Now therefore the Council of the Township of Douro-Dummer hereby enacts as follows:

1. The area affected by this By-Law includes all lands within the Residential Zone (R), Hamlet Residential Zone (HR), Shoreline Residential Zone (SR) and Rural Zone (RU). As such, there is no schedule attached to this amendment.
2. Section 3 – General Provisions – is amended by deleting subsection 3.45 Swimming Pools in its entirety and replacing it with the following:

"3.45 Swimming Pools and Active Recreational Uses

Swimming Pools:

3.45.1 A swimming pool erected in any zone shall be permitted in the side yard or front yard of any lot provided that:

- (a) no part of any pool shall be located closer to any lot line or street line than the minimum distance required for the main building located on such lot;
- (b) the maximum height of such pool shall be 1.5 m above the finished grade level of the ground adjoining and within 5 m of such pool;
- (c) any building or structure, other than the main building, required for changing clothing or pumping or filtering facilities, or other similar accessory uses, shall be in accordance with the provision applicable to accessory buildings.

3.45.2 A swimming pool erected in any zone shall be permitted in the rear yard of any lot provided that:

- (a) no part of such pool shall be located closer to any lot line or street line than the minimum distance required for an accessory building on such lot;
- (b) any building or structure, other than the main or principal building, required for changing clothing, or pumping or filtering facilities, or other similar accessory uses, shall be in accordance with the applicable provisions of Section 3.1 - Accessory Buildings, Structures and Uses.

3.45.3 The maximum lot coverage of an outdoor swimming pool shall not exceed 2.5 percent of the total lot area and shall be considered part of the total lot coverage for accessory buildings, structures, or uses in accordance with Section 3.1.3 of this By-law.

3.45.4 Persons wishing to install indoor or indoor/outdoor swimming pools shall submit a professional engineer's design and specifications for such structure as a condition to the issuance of a building permit.

Active Recreational Uses:

3.45.5 Unless specifically indicated otherwise, an active recreational use shall be permitted in the Residential Zone (R), Hamlet Residential Zone (HR), Shoreline Residential Zone (SR), Limited Service Residential Zone (LSR), Island Residential Zone (IR), Rural Zone (RU), Commercial Tourist Zone (CT) or Commercial Tourist – Trailer Park Zone (CT-1).

3.45.6 When located in any of the above noted zones, an active recreational use shall be permitted in the front, side or rear yard, provided that:

- (a) no part of any active recreational use shall be located closer to any lot line or street line than the minimum distance required for the main building located on such lot;
- (b) the minimum side and rear yards shall not exceed 1.5 metres;
- (c) a minimum separation distance of 1.5 metres is maintained from any building, structure or part thereof, and the space will not be intruded upon by any awning, canopy, roof, wall or similar structure;
- (d) any building or structure, other than the main or principal building, required for changing clothing, or other similar accessory uses, shall be in accordance with the applicable provisions of Section 3.1 - Accessory Buildings, Structures and Uses.

3.45.7 The maximum lot coverage of an active recreational use shall not exceed 2.5 percent of the total lot area and shall be considered in addition to the total lot coverage for accessory buildings, structures, or uses in accordance with Section 3.1.3 of this By-law.

3.45.8 Active recreational uses shall comply with the illumination provisions outlined in Section 3.19 of this By-law.

3.45.9 Active recreational uses shall comply with the following planting strip provisions:

- (a) where an active recreational use abuts a Residential, Institutional, Open Space or Environmental Conservation Zone, a planting strip forming a visual barrier or screen and used for no other purpose but landscaped open space shall be provided along the lot line(s) so abutting these Zones;
- (b) where a planting strip is required by this By-law, it shall consist of an unpierced and unbroken hedgerow of evergreen or perennial shrubs;
- (c) where a planting strip is required such use shall have a minimum width of 3.0 metres measured perpendicularly to the lot adjoining such planting strip;
- (d) the minimum planted height of the hedgerow shall be 1.75 metres, except that no vegetation within a sight triangle shall exceed a height of 1 metre;
- (e) where a driveway or walk extends through a planting strip, it shall be permissible to interrupt the planting strip within 3 metres of the edge of such driveway or within 1.5 metres of the edge of such walk;
- (f) where a planting strip is required it shall be planted, nurtured and maintained by the owner of owners of the lot on which the strip is located;
- (g) a planting strip may form part of any landscaped open space required by this By-law.

3.45.10 An active recreational use shall not be used as a "private club" as defined in Section 22.44 of this By-law and any use of a property for a "private club" would require an amendment to this By-law.

3.45.11 An active recreational use shall not be used as a "recreation or athletic club" as defined in Section 22.188 of this By-law and any use of a property for a recreation or athletic club would require an amendment to this By-law.

3. Section 18.6 - Open Space - Three Zone (OS-3) – Roll No. 1522-020-003-30000 is amended by adding a second paragraph so that the section shall now read as follows:

"18.6 Open Space - Three Zone (OS-3) – Roll No. 1522-020-003-30000

All of the permitted uses, provisions and regulations of the "Open Space Zone (OS)" shall apply and be complied with, except that the "Permitted Uses" shall include "an active recreational use".

For the purposes of this zone, "an active recreational use" shall be defined as a recreational use or activity which is conducted within a building or requires alteration of natural, soil or topographical features and includes such activities as golf course, playing fields, trailer parks, campgrounds and conservation areas involving built structures."

4. Section 22 – Definitions is amended by deleting Section 22.192 in its entirety and replacing it with the following:

22.192 "Recreational Use, Active" means a recreational use or activity which requires alteration of natural, soil or topographical features and includes such activities as playing fields and sports courts including, but not limited to, basketball, pickleball and tennis courts, baseball diamond, soccer pitch, outdoor ice rink, athletic fields, or other like or similar uses. An active recreational use shall not include a "golf course", "park", "recreational establishment", "tourist trailer park", "camp", "camping ground", or "conservation use" as defined herein.

5. All other relevant provisions of By-law 10-1996, as amended, shall apply.

If no notice of objection is filed with the Clerk within the time provided, this By-law shall become effective on the date of passing hereof, subject to the provisions of The Planning Act, RSO 1990, as amended.

Passed in open council this 19th day of September, 2023.

Mayor, Heather Watson

Clerk, Martina Chait-Hartwig